

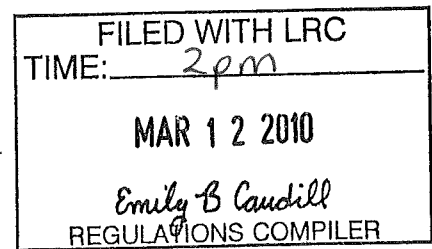
301 KAR 2:172

Deer hunting seasons, zones, and requirements

This administrative regulation establishes deer hunting seasons and zones, methods of taking, bag limits, harvest recording procedures, and checking requirements.

Significant Changes

The amendment removes 6 days of antlerless muzzleloader season in Zone 4 and changes the zone for 25 counties.



1 TOURISM, ARTS AND HERITAGE CABINET

2 Kentucky Department of Fish and Wildlife Resources

3 (Amendment)

4 301 KAR 2:172. Deer hunting seasons, zones, and requirements.

5 RELATES TO: KRS 150.010, 150.177, 150.180, 150.390, 150.411(3), 150.990, 237.110

6 STATUTORY AUTHORITY: KRS 150.025(1), 150.170, 150.175

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department
8 to establish hunting seasons, bag limits, methods of taking and other matters necessary to carry
9 out the purpose of KRS Chapter 150. KRS 150.170 exempts landowners, servicemen, and other
10 groups from hunting license and permit requirements. KRS 150.175 authorizes ~~[defines]~~ the
11 kinds of licenses and permits to be issued by the department. This administrative regulation
12 establishes deer hunting seasons and zones, ~~[defines]~~ legal methods of taking, and ~~[establishes]~~
13 checking and recording requirements for deer hunting.

14 Section 1. Definitions. (1) "Adult" means a person who is at least eighteen (18) years of age.

15 (2) "Antlered deer" means a deer with a visible antler protruding above the hairline.

16 (3) "Antlerless deer" means a deer with no visible antler protruding above the hairline, and
17 includes:

18 (a) female deer; ~~[including female deer]~~ and

19 (b) male fawns or button bucks. ~~[(button bucks).]~~

20 (4) "Archery equipment" means a long bow, recurve bow, or compound bow incapable of
21 holding an arrow at full or partial draw without aid from the archer.

- 1 (5) "Arrow" means the projectile fired from a bow or crossbow.
- 2 (6) "Barbed broadhead" means a point or portion of a blade projecting backward from a
3 broadhead designed to hold an arrow within an animal.
- 4 (7) "Bonus antlerless permit" means a permit that, in conjunction with appropriate licenses,
5 [~~licenses and~~] permits, seasons, and methods, allows the holder to take two (2) additional
6 antlerless deer.
- 7 (8) "Crossbow" means a bow designed or fitted with a device to hold an arrow at full or partial
8 draw without aid from the archer.
- 9 (9) "Deer" means a member of the species *Odocoileus virginianus*.
- 10 (10) "Firearm" means a breech or muzzle-loading rifle, shotgun, or handgun.
- 11 (11) "Fully-automatic firearm" means a firearm that fires more than one (1) time with a single
12 pull of the trigger.
- 13 (12) "License year" means the period from March 1 through the following last day of February.
- 14 (13) "Modern gun" means a rifle, handgun, or shotgun that is loaded from the rear of the barrel.
- 15 (14) "Muzzle-loading gun" means a rifle, shotgun, or handgun that is loaded from the
16 discharging end of the barrel or discharging end of the cylinder.
- 17 (15) "Shotshell" means ammunition containing more than one (1) projectile.
- 18 (16) "Statewide deer permit" means a permit, which, in conjunction with appropriate licenses,
19 seasons, and methods, allows the holder to take one (1) either-sex deer and one (1) antlerless
20 deer.
- 21 (17) "Statewide deer requirements" means the season dates, zone descriptions, bag limits, and
22 other requirements and restrictions for deer hunting established in this administrative regulation.
- 23 (18) "Youth" means a person under the age of sixteen (16) by the date of the hunt.

(19) "Zone" means an area consisting of counties designated by the department within which deer hunting season dates and limits are set for the management and conservation of deer in Kentucky.

Section 2. License and Deer Permit Requirements. (1) Unless exempted by KRS 150.170, a person shall carry proof of purchase of a valid Kentucky hunting license and valid deer permit while hunting.

(2) In lieu of a statewide deer permit, a person possessing a valid junior statewide hunting license shall not use more than two (2) junior deer hunting permits.

(3) A bonus antlerless permit shall not be valid unless accompanied by a valid Kentucky hunting license and statewide deer permit.

Section 3. Hunter Restrictions. (1) A deer hunter:

(a) Shall not take deer except during daylight hours;

(b) Shall not use dogs, except leashed tracking dogs to recover wounded deer;

(c) Shall not take a deer that is swimming; ~~[swimming deer;]~~ and

(d) Shall not take a deer from a vehicle, boat, or ~~[while]~~ on horseback, except that a hunter with ~~[in possession of]~~ a disabled hunting exemption permit issued by the department may use a stationary vehicle as a hunting platform.

(e) Shall not possess or use a decoy or call powered by electricity from any source.

(2) A deer hunter shall not take a deer with any device except a firearm, crossbow, or archery equipment as authorized by Section 5 of this administrative regulation.

(3) Except as authorized by KRS 237.110, a person shall not carry any of the following items while hunting deer:

(a) Rimfire ammunition;

(b) A fully-automatic firearm;

(c) A firearm with a magazine capacity greater than ten (10) rounds;

(d) Full metal jacketed ammunition;

(e) Tracer bullet ammunition;

(f) A shotshell containing larger than number two (2) size shot;

(g) A broadhead smaller than seven-eighths (7/8) inch wide;

(h) A barbed broadhead;

(i) A crossbow without a working safety device;

(j) A chemically-treated arrow; or

(k) An arrow with a chemical attachment.

(4) Except as authorized by KRS 237.110, a person shall not carry a firearm while hunting deer, except when a firearm deer season is open.

(5) A person, including someone authorized to carry a concealed weapon pursuant to KRS 237.110, shall not:

(a) Use multiple projectile ammunition or any of the items listed in subsection (3) of this section to take deer.

(b) Use any weapon to take deer that is not consistent with the appropriate season established in Section 5 of this administrative regulation.

Section 4. Hunter Orange Clothing Requirements. (1) During the modern gun deer season, muzzle-loader season, or a [~~season or the~~] youth firearm season, a person hunting any species during daylight hours and any person accompanying a hunter, shall display solid, unbroken hunter orange visible from all sides on the head, back, and chest except while hunting waterfowl.

(2) During an elk firearm season [~~seasons~~] as established in 301 KAR 2:132, a person hunting

any species and any person accompanying a hunter within the elk restoration zone, shall display solid, unbroken hunter orange visible from all sides on the head, back, and chest except while hunting waterfowl.

(3) The hunter orange portions of a garment worn to fulfill the requirements of this section:

(a) May display a small section of another color; and

(b) Shall not have mesh weave openings exceeding one-fourth (1/4) inch by any measurement.

(4) A ~~camouflage-pattern~~ [camouflage-pattern] hunter orange garment worn without additional solid hunter orange on the head, back and chest shall not meet the requirements of this section.

Section 5. Statewide Season Dates. (1) A legal deer hunter may use archery equipment to hunt deer statewide from the first Saturday in September through the third Monday in January.

(2) A deer hunter may take deer with a modern firearm statewide beginning the second Saturday in November:

(a) For sixteen (16) consecutive days in Zones 1 and 2; and

(b) For ten (10) consecutive days in Zones 3 and 4.

(3) A deer hunter may use a muzzle-loading gun to hunt deer [gun] statewide:

(a) For two (2) consecutive days beginning the third Saturday in October;

(b) For nine (9) consecutive days beginning the second Saturday in December; and

(c) During any season when a modern gun may be used to take deer.

(4) A deer hunter may use a crossbow to hunt deer statewide:

(a) From October 1 through the end of the third full weekend in October;

(b) From the second Saturday in November through December 31; and

(c) During any season when a firearm may be used to take deer.

(5) Youth firearm season. For two (2) consecutive days beginning on the second Saturday in

October, a youth deer hunter shall:

(a) Use any legal method to take antlered or antlerless deer; and

(b) Be required to follow all other statewide deer hunting requirements. [~~youth using a firearm may take antlered or antlerless deer.~~]

(6) There shall be a free youth weekend for two (2) consecutive days beginning on the Saturday after Christmas during which a youth:

(a) Shall not be required to have a hunting license or deer permit;

(b) Shall use any legal method to take antlered or antlerless deer; and

(c) Shall be required to follow all other statewide deer hunting requirements. [~~Free youth weekend. For two (2) consecutive days beginning on the Saturday after Christmas, a youth without a hunting license or deer permit may use archery equipment, firearms, or crossbows to take a deer. Statewide bag limits and harvest reporting requirements shall apply.~~]

Section 6. Zones. (1) Zone 1 shall consist of Anderson, Ballard, Boone, Bracken, [~~Bullitt,~~]
Caldwell, Calloway, Campbell, Carlisle, Carroll, Christian, Crittenden, Franklin, Fulton,
Gallatin, Grant, Graves, [~~Hardin,~~] Harrison, [~~Hart,~~] Henry, Hickman, Jefferson, Kenton,
Livingston, Lyon, Marshall, McCracken, [~~Nelson,~~] Oldham, Owen, Pendleton, Robertson, Scott,
Shelby, Spencer, Trigg, Trimble, Washington, and Woodford Counties.

(2) Zone 2 shall consist of [~~Adair,~~] Allen, [~~Barren,~~] Bourbon, Boyd, Bullitt, [~~Butler, Caldwell,~~]
Carter, [~~Cumberland, Daviess, Edmonson,~~] Fayette, Fleming, Green, Greenup, Hardin, Hart,
[~~Hancock,~~] Henderson, Hopkins, Jessamine, Larue, Lawrence, Lewis, Logan, [~~Marion,~~] Mason,
McLean, Mercer, [~~Metcalfe, Monroe,~~] Muhlenberg, Nelson, Nicholas, [~~Ohio,~~] Rowan, [~~Simpson,~~
Taylor,] Todd, Union, [~~Warren,~~] and Webster Counties.

(3) Zone 3 shall consist of Adair, Barren, Bath, Boyle, Breckinridge, Butler, Casey, Clark,

Cumberland, Daviess, Edmondson, [Clinton,] Elliott, Estill, [Garrard,] Grayson, Hancock,
Johnson, [Knox, Laurel,] Lee, Lincoln, Madison, Marion, Meade, Meniffee, Metcalfe, Monroe,
Montgomery, Morgan, Ohio, Powell, [Russell,] Simpson, Taylor, Warren, [Whitley,] and Wolfe
Counties.

(4) Zone 4 shall consist of Bell, Breathitt, Clay, Clinton, Floyd, Garrard, Harlan, Jackson, Knott,
Knox, Laurel, Leslie, Letcher, Magoffin, Martin, McCreary, Owsley, Perry, Pike, Pulaski,
Rockcastle, Russell, [and] Wayne, and Whitley Counties.

Section 7. Season and Zone Limits. (1) A person shall not take more than four (4) deer statewide
in a license year except:

(a) As authorized in 301 KAR 2:111, 2:176, 2:178, and 3:100; and

(b) A person may take an unlimited number of antlerless deer in Zone 1 provided the person has
purchased the appropriate bonus permits.

(2) A person shall not take more than one (1) antlered deer per license year, except as established
in 301 KAR 2:111, 2:176 and 3:100.

~~(3) [Except as provided in 301 KAR 2:111, 2:176, 2:178, and 3:100, in a license year, a person~~
~~shall not take more than:~~

~~(a) One (1) antlered deer; and~~

~~(b) The number of antlerless deer permitted in the zones specified in subsections (2) through (4)~~
~~and (5) of this section provided that the person has purchased the appropriate bonus antlerless~~
~~permits.~~

~~(2) In zone 1, a person may take an unlimited number of antlerless deer.~~

~~(3) In zone 2 a person may take a total number of four (4) deer.~~

~~(4) In Zone [zone] 3, a person may take[:~~

(a) ~~A total of four (4) deer; and~~

~~(b) Only~~ two (2) deer with a firearm.

(4) ~~[(5)]~~ In Zone ~~[zone]~~ 4, a person may take:

(a) ~~[A total of four (4) deer;~~

~~(b)]~~ Only two (2) deer with ~~[by using]~~ a firearm; and

(b) ~~[(c)]~~ Antlered deer only ~~[by using a firearm]~~ during:

1. Modern firearm season; ~~[and]~~

2. Early muzzleloader season; and

3. The first six (6) days of the December muzzleloader season.

Section 8. Supervision of Youth Firearm Deer Hunters. (1) An adult shall:

(a) Accompany a person under sixteen (16) years old; and

(b) Remain in a position to take immediate control of the youth's firearm.

(2) An adult accompanying a youth hunter shall not be required to possess a hunting license or deer permit if the adult is not hunting.

(3) Except as authorized by KRS 237.110, an ~~[An]~~ adult accompanying a youth during a ~~[the]~~ youth firearm season shall not carry a firearm.

Section 9. Harvest Recording. (1) Immediately after taking a deer, and prior to moving the carcass, a person shall record, in writing:

(a) The species taken;

(b) The date taken;

(c) The county where taken; and

(d) The sex of the deer taken on one of the following:

1. The hunter's log section on the reverse side of a license or permit;

1 2. The hunter's log produced in a hunting guide;

2 3. A hunter's log printed from the Internet;

3 4. A hunter's log available from any KDSS agent; or

4 5. An index or similar card.

5 (2) The person shall retain and possess the completed hunter's log when the person is in the field
6 during the current hunting season. [shall:

7 ~~(1) Record, in writing, the species, date taken, county where taken, and sex of the deer before~~
8 ~~moving the carcass from the site where taken. This information shall be logged and registered on~~
9 ~~one (1) of the following:~~

10 ~~(a) Hunter's log section on the reverse side of a license or permit;~~

11 ~~(b) Hunter's log produced in a hunting guide;~~

12 ~~(c) Hunter's log printed from the Internet;~~

13 ~~(d) Hunter's log available from any KDSS agent; or~~

14 ~~(e) An index card or reasonable facsimile thereof; and~~

15 ~~(2) Retain the completed hunter's log in his or her possession whenever the hunter is in the field~~
16 ~~during the current season.]~~

17 Section 10. Checking a Deer. (1) A person shall check a harvested deer by:

18 (a) Calling the toll free telecheck number, (800) 245-4263, before midnight on the day the deer is
19 recovered and prior to processing or removing the hide or head from the carcass;

20 (b) Providing the information requested by the automated check-in system; and

21 (c) Writing the confirmation number given by the system on the hunter's log authorized
22 [described] in Section 9 of this administrative regulation.

23 (2) If a hunter transfers possession of a harvested deer, ~~[harvested deer leaves the possession of~~

1 a-hunter,] the hunter shall attach to the carcass a hand-made tag that contains the following
2 information:

3 (a) The confirmation number;

4 (b) The hunter's name; and

5 (c) The hunter's telephone number.

6 (3) A person shall not provide false information while completing the hunter's log, checking a
7 deer, or creating a carcass tag.

8 Section 11. Transporting and Processing Deer. (1) A person shall:

9 (a) Not transport an unchecked deer out of Kentucky;

10 (b) Have proof that a deer or parts of deer brought into Kentucky were legally taken;

11 (c) Not sell deer hides except to a licensed:

12 1. Fur buyer;

13 2. Fur processor; or

14 3. Taxidermist.

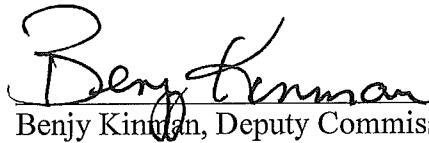
15 (2) A taxidermist or an [other] individual who commercially butchers deer shall:

16 (a) Not accept deer carcasses or any part of a deer without a valid disposal permit issued by the
17 department pursuant to KRS 150.411(3) or a proper carcass tag as established [described] in

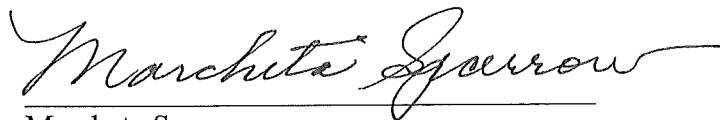
18 Section 10 of this administrative regulation.

19 (b) Keep accurate records of the hunter's name, address, confirmation number, and date received
20 for each deer in possession and retain such records for a period of one (1) year.

Approved by the Fish and Wildlife Commission March 5, 2010



Benjy Kinnaman, Deputy Commissioner, for
Dr. Jonathan Gassett, Commissioner
Department of Fish and Wildlife Resources



Marcheta Sparrow
Secretary
Tourism, Arts and Heritage Cabinet

03-11-10

Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on April 21, 2010 at 9 a.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Way, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing five business days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled.

This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made.

If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation by April 30, 2010.

Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

Rose Mack
Department of Fish and Wildlife Resources
Arnold L. Mitchell Building
#1 Sportsman's Lane
Frankfort, Kentucky, 40601
(502) 564-7109, ext. 4507 FAX (502) 564-9136

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

301 KAR 2:172 Deer hunting seasons, zones, and requirements

Contact Person: Rose Mack

(1) Provide a brief summary of:

- (a) What this administrative regulation does: Establishes deer hunting seasons and zones, methods of taking, bag limits, harvest recording procedures, and checking requirements.
- (b) The necessity of this administrative regulation: To allow for safe and effective harvest and related records-keeping for the long-term conservation and management of deer populations.
- (c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025 authorizes the department to promulgate administrative regulations governing deer harvest.
- (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will carry out the purposes of KRS 150.025 by limiting the seasons, bag limits, and methods of take used to manage statewide deer populations.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

- (a) How the amendment will change this existing administrative regulation: The amendment removes 6 days of antlerless muzzleloader season in Zone 4 and changes the zone for 25 counties.
- (b) The necessity of the amendment to this administrative regulation: The amendment is necessary to adjust season parameters to reduce, maintain, or increase deer populations in each zone.
- (c) How the amendment conforms to the content of the authorizing statutes: See (1)(c) above.
- (d) How the amendment will assist in the effective administration of the statutes: See (1)(d) above.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All deer hunters hunting in Zone 4 counties will lose 6 antlerless days during late muzzleloader season. Deer hunters will have 6 days less during modern firearm season in 14 counties that change from Zone 2 to 3. Deer hunters will have less antlerless opportunity in 6 counties that change from Zone 3 to 4. Based on license sales, there are at least 255,000 deer hunters in Kentucky.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment:

- (a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Hunters need to understand and abide by the seasons and harvest restrictions in this regulation.
- (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost to hunters as a result of this

amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Deer herd numbers should increase in all counties moving to a more conservative zone. Hunter satisfaction is directly related to the number of deer.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be no additional cost to the department to implement this administrative regulation.

(b) On a continuing basis: There will be no additional cost to the department on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The source of funding is the State Game and Fish Fund.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: It will not be necessary to increase a fee or funding to implement this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No new fees will be established.

(9) TIERING: Is tiering applied? (Explain why or why not) Tiering was not used because all deer hunters are subject to the same seasons, bag limits, and zone requirements for hunting.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation No. 301 KAR 2:172

Contact Person: Rose Mack

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)?

Yes X No

If yes, complete questions 2-4.

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Department of Fish and Wildlife Resources Divisions of Wildlife and Law Enforcement will be impacted by this amendment.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 150.025, KRS 150.170, KRS 150.175 and KRS 237.110.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? Revenue for the state Game and Fish Funds are generated from license and permit sales, which are then matched by federal funds. Direct revenue from the sale of all deer permits for the 2008-09 deer season was \$3,984,040.00.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? Additional revenue during subsequent years is dependent on the number of permits sold, which has been stable to slightly decreasing each year.

(c) How much will it cost to administer this program for the first year? There will be no additional costs incurred for the first year.

(d) How much will it cost to administer this program for subsequent years? There will be no additional costs incurred in subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): None; see 4 (a) and (b) above.

Expenditures (+/-): No additional expenditures; see 4 (c) and (d) above

Other Explanation: